## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DENNIS L. HOGGATT,	)
Plaintiff,	)
v.	) Case No. 3:09-cv-0798
ELECTROLUX HOME PRODUCTS, INC.,	) ) Judge Thomas A. Wiseman, Jr
Defendant.	}

## **ORDER**

Plaintiff Dennis L. Hoggatt brings suit under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, the Tennessee Disability Act , Tenn. Code Ann. § 8-50-103, and the Tennessee Human Rights Act, Tenn. Code Ann. §§ 4-21-101 *et seq.*, alleging that Defendant Electrolux Home Products, Inc. ("Electrolux") violated federal and state law by discharging him based upon a disability and by failing to reasonably accommodate his disability. Defendant denies liability and asserts that Hoggatt was discharged because of his failure to comply with Electrolux's attendance policy.

Both parties have now filed motions for summary judgment in their favor. For the reasons set forth in the accompanying Memorandum Opinion, the Court finds that material issues of disputed fact preclude summary judgment in favor of either party. Accordingly, both motions for summary judgment (Doc. Nos. 20 and 22) are hereby **DENIED**. This case remains scheduled for trial to begin February 1, 2011.

It is so **ORDERED**.

Thomas A. Wiseman, Jr. Senior U.S. District Judge